

**REMARKS**

Claims 38 and 43-45 are pending in this application, claims 43-45 having been withdrawn from consideration. By this Amendment, claims 39 and 40 are canceled without prejudice to or disclaimer of the subject matter set forth therein.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Office Action rejects claims 39 and 40 under 35 U.S.C. §112, first paragraph for failing to comply with the written description requirement. While Applicant does not necessarily agree with this rejection, claims 39 and 40 are canceled by this Amendment. Accordingly, withdrawal of this rejection is respectfully requested.

Applicant thanks the Examiner for the indication that claim 38 contains allowable subject matter. In light of the indication that claim 38 is allowed, Applicant respectfully requests that search and examination continue as to the non-elected Species of claims 43-45.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 38 and 43-45 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: September 7, 2004

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